

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	
)	8:10CR54
Plaintiff,)	
)	
vs.)	ORDER
)	
THOMAS WILLIAM WENDT, JR.,)	
)	
Defendant.)	

This matter is before the court on the oral motion of defendant Thomas William Wendt, Jr. (Wendt) for a continuance of the trial scheduled for May 3, 2010. The motion was made during a release hearing on April 12, 2010. The government had no objection to the motion. Wendt acknowledged the additional time needed for his motion would be excluded under the calculations under the Speedy Trial Act. The oral motion was granted.

IT IS ORDERED:

1. Wendt's motion for a continuance of trial is granted. Trial is rescheduled for **June 1, 2010**, before Chief Judge Bataillon and a jury.

2. The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. The additional time arising as a result of the granting of the motion, i.e., **from April 12, 2010 and June 1, 2010**, shall be deemed excludable time in any computation of time under the requirement of the Speedy Trial Act for the reason defendant's counsel requires additional time to adequately prepare the case, taking into consideration due diligence of counsel, and the novelty and complexity of this case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(7)(A) & (B).

DATED this 12th day of April, 2010.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge